

CT. DEC. 15, 1977.

MOTIONS SEEK TO SUPPRESS:

✓ Aug. 16, 1975 - fruits of search of veh. -

✓ Aug 21, 1975 - Search of Apartment

✓ Search of Auto on Oct. 3, 1975

✓ I.D. of Carol DaRonch

✓ I.D. of Elizabeth Harten

47

HAIR - Law submitted. -



- FRI. DEC. 23. 9:00 AM.

- Death Penalty -

DEC. 24. ->

VOIR DIRE -

PREJUDICIAL & HOST.

- Motion Change of Venue -

VOIR DIRE -

RESTRAINTS -

SEQ. of JURY -

- OMNIBUS. -

- Research - Conflict of Law

" - Utah on Consent & searches

Aut Search Aug 15, 1975-A-

- Δ - FACTS:

- "CAN I LOOK IN YOUR CAR" - YES.

HAYHURST - Review

- TESTIMONY of Δ'S ATTITUDE -
- COOPERATION -
- NO OBJECTION -

- OFFER. BRIEF IS NOT THE TEST.
- PEO. V. MATHIS.

BURDEN: PEEBOND -

MATLOCK
GOO V TURNER
SCHNECKLOTH.

"TEST: TOTALITY of CIRCUMSTANCES"

START 2048.

SCHNECKLOTH - THE TRADITIONAL CONCEPT
of VOLUNTARINESS. -

QUOTE TRAYNOR @ 2049.

P. 2050

- CONTRAST w/ MIRANDA -

UNSTRUCTURED - { CUST. INTERVIEW
HOME or
ST.

HERE:

FACTS: NO COERCION

" DURESS

" THREAT

NO CLAIM of CAUTEL

AUTHORITY,

PHILLIPS - CUSTODIAL.

BENSON - BLACK SHAW. KIT.

↳ NO COERCION
w/ DURESS

CAPPS - CUSTODY - JURY

↳ AT MOTEL -

OBJECT (NO)

EXPRESS UNEQUIV -

- Request

- RESPONSE.

- THERE COULD BE NO DOUBT

THAT A SEARCH WAS TAKING PLACE. -

- WARNING.

- FACTUAL - CUSTODY -

⊗ Suggested that Cobb. is trying to
reflect the sentiment Schne.
took from Traynor.

- Benson.

THAT APP!
VERY CLEAR TO BE
STPS. 2

NO P.C. to
SEARCH

RAIN VIEW

1. P.C. for arrest for
trap. off.

2. Look in - OK.

3. DARK CLOTHES
SEAT OUT

PRE - STOP: - NO LITS.

OWN NEIGHBOUR - KNOWN BAG AREA

- EARLY A.M. Hr.

- RAN -

SOP: - DK. CLOTHES.

- BAD EXPL.

- SAW SEAT

- SAW CROWBAR.

#

ST. V. CLK 10.5
422 PM 200
{ REASCUA 20002 }

Cuppr - 191 / Both R15

Warrant of

Wrong Standard -

Knowledge of Off.

- § 76-6-205 - Poss. Burg. Tools. -

- UNDER CIRCUMSTANCES THAT

IND. AN INTENT, -

< LAW DISCOURAGES OFFERS.

FROM IMM. CHG. -

WENT TO CT ASKED FOR

WARRANT + SPA. CATER -

- GOT IT.

Aut. Search.

- Consent -
NOT PRODUCT OF DURESS.

- Ex. A. -
- A. pulled in & registered name.

AA-SKILCO.
2-MAP.

~~Court should look into this.
to record only - in map for
in map~~

Auto Seizure

~~EX. 1101
B. SALE~~
- NO STANDOFF -
- WARRANT -
- A. failed to carry burden -
Both on standby & on
ATTACK on WARRANT. -

ID - DA ROSE

- B/P - cl. & cow -

- NO TAINI -

If

TEST! "Tot. of cir." - IS IT

NOT SO SUGGESTIVE - AS TO

MAKE IT.

SUMMARY "So imp. only a & give

him to a VERY SUBSTANTIAL

LIKELIHOOD OF ERROR MIS ID.

ARG.

The people must show the court
~~that~~ from the tot. of circ. that the
line up procedure is not so imp. as
suggestive or to give him to a
very subst. likelihood of imp.
mis - ID. -

If prev. was sugg.
then pro. must show an
indp. source of I.D.
↳ BIGGERS

FACTS: 1. REPORT TO MURRAY -

a. JOE RICE - PROMPTLY SHOWED PHOTOS.

b. SHE WENT TO S.O. SAW - ~~HUNDREDS~~ THOUSANDS.

K + BROWN C. SAW ~~THE~~ PHOTOS fr. BOUNTIFUL -

7-45 d. Saw PHOTOS from Thompson -

I - e. Saw PHOTOS from BOUNTIFUL, ~~THEY~~ ^{MA' BE}

NOT A BAP WITNESS

"A very poor witness -"

SHEPARD REPORT

TO REMEMBER
GIVE ATTORNEY
REASON TO DISC.
TRAIL -
FBI OFFICE
TO REMEMBER

HARTER -

- HEARSAY EXCEPTION -

EX B-1 B7

-C-